

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, July 1, 2002

Division One

**A096956 -- In re Pierre L., a Person Coming Under the Juvenile Court Law. The People v. Pierre L.**

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and placing him outside the parental home is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

**A095778 -- Premier Valley Foods, Inc. v. Del Monte Corporation, et al.**  
By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

**A094657 -- John E. Hallgren et al. v. Anthony G. Meyn. et al.**

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A095445 -- Cynthia R. Mason v. Bio-Rad Laboratories.**

We affirm. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Tuesday, July 2, 2002

Division Two

**A096080 -- The People v. Alfonso Chavez.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A095584 -- The People v. Dieu Tran.**

The order dismissing the information is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A096146 -- Richard Walrath v. Stephen Sprinkel.**

The summary judgment in favor of defendant Stephen Sprinkel is reversed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Certified for Publication.)

Division Four

**A090599, A091895 -- Craig S. Kammerer et al. v. Millennium WDG/  
Retail Partners et al.**

**A091527, A092095 -- Craig S. Kammerer et al. v. Charles Collins et al.**

With respect to the Collinses, we reverse the judgment pertaining to the 15th and 33d causes of action; direct that judgment be entered in appellants' favor with respect to the 2d cause of action; and reverse the attorney fee award. With respect to Millennium, we reverse the judgment as to the 5th cause of action and reverse the attorney fee award. The cause is remanded for further proceedings consistent with this opinion. This disposition applies across the board to all of the consolidated appeals. Parties to bear their own costs on appeal. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Tuesday, July 2, 2002 (continued)

Division Five

**A094785 -- The People v. John Henry Times, III**

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

Wednesday, July 3, 2002

Division One

**A094843 -- Charles Chan v. Kammy Au.**

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

**A097594 -- In re Glenn A., a Person Coming Under the Juvenile Court Law. The People v. Glenn A.**

The order placing appellant in the deferred entry of judgment program is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A095652 -- Judy Duran v. Leonard J. Cravens.**

The judgment is affirmed. Duran shall recover her costs on appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

**A099261 -- In re Richard Alan Fitzhugh, on Habeas Corpus.**

By the Court: We construe the "Petition to Appeal Writ # 4397 from Superior Court for the County of San Francisco" as a petition for a writ of habeas corpus. The petition is denied. (McGuiness, P.J., Corrigan, J. & Parrilli, J. participating.) McGuiness, P.J.

Wednesday, July 3, 2002 (continued)

Division Four

**A095457 -- Gordon Gee et al. v. American Realty & Construction, Inc., et al.**

The order is affirmed. Costs to respondents. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

**A098682 -- Alicia M. v. The Superior Court of Del Norte County; Del Norte County Department of Health and Human Services; R.P.I.**

The petition is denied on the merits. (Cal. Rules of Court, rule 39.1B(o).) This decision is final immediately. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A096308 -- In re Anita C., a Person Coming Under the Juvenile Court Law. The People v. Anita C.**

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

**A098337 -- Jimmy Jen et al. v. The Superior Court of the City and County of San Francisco; City and County of San Francisco et al., R.P.I.**

The Court.\* Let a peremptory writ of mandate issue commanding respondent superior court to vacate its orders filed on April 8, 2002, and to proceed in accordance with the views expressed in this opinion. Nothing in this opinion bars respondent superior court from analyzing whether particular questions call for potentially incriminating testimony and whether petitioners otherwise waived the privilege against self-incrimination. This decision will become final as to this court five days after it is filed. (Cal. Rules of Court, rule 24(d).) (Not for Publication.)

\*Before Stevens, Acting P.J., Simons, J. and Gemello, J.

Wednesday, July 3, 2002 (continued)

**A094956 -- In re John L., a Person Coming Under the Juvenile Court Law. The People v. John L.**

The order is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J.  
(Not for Publication.)

**A096540 -- The People v. Stephen Palfy.**

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Monday, July 8, 2002

Division Two

**A094056 -- Ad Hoc Committee For Clean Water v. Sonoma County Board of Supervisors.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Five

**A097500 -- In re James M., et al., Persons Coming Under the Juvenile Court Law. Mendocino County Department of Social Services v. Lina M.**

The order terminating Lina M.'s reunification services is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

Tuesday, July 9, 2002

Division Four

**A097738 -- The education Resources Institute, Inc. v. Jonathan Lipsky.**

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

**A092460 & A092961 -- David Stringer et al. v. Hal Porter Homes, Pacific Gas and Electric Company.**

The orders granting PG&E's motion contesting the good faith of the settlement and denying the motion to amend the judgment are reversed. The matter is remanded to the trial court for further proceedings in accordance with the views expressed in this opinion. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)



MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, July 9, 2002

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J. and Sepulveda, J.; Channing Hoo, Deputy Clerk; CHP Officer Shelley Aldridge, Bailiff.

- A092700      People  
                 v.  
                 Leo Adam Somersall  
                 Cause called. Stephen Bedrick argued for appellant Somersall. Jeremy Friedlander argued for respondent. Cause submitted.
- A093769      Personal Watercraft Coalition et al.  
A094088      v.  
                 Marin County Board of Supervisors  
                 Earth Island Institute  
                 Causes called. David Zaltsman and Stephen C. Volker argued for appellants. Brian Kelly argued for respondents Coalition et al. Causes submitted.
- A097041      In re the Marriage of Zornes  
                 Kathryn Zornes  
                 v.  
                 John Aaron Zornes, Jr.  
                 Cause called. Vivian L. Kral argued for appellant Kathryn Zornes. Bernard N. Wolf argued for respondent. Cause submitted.
- At this point, the court reconstituted itself from Kay, P.J., Reardon, J. and Sepulveda, J. to Kay, P.J., Reardon, J., and Rivera, J.
- A094087      In re the Marriage of Phillips  
A094867      Geoffrey Phillips  
                 v.  
                 Kimberly Phillips  
                 Causes called. Elizabeth Summers argued for appellant Geoffrey Phillips. Bernard N. Wolf argued for respondent. Cause submitted.

At this point, the court reconstituted itself from Kay, P.J., Reardon, J., and Rivera, J. to Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A096928      Department of Alcohol Beverage Control  
v.  
Alcoholic Beverage Control Appeals Board  
Norman C. Deleuze et al.  
Cause called. Shari Posner argued for petitioner Department. Bill Edlund argued for respondents. Cause submitted.

The Court recessed at 11:55 a.m.

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, July 9, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; Guardsmark Officer Rafael Chavez, Bailiff.

A095157

People

v.

Edward Paul Leon

Cause called. Ozro Childs, appellant's counsel, was ready to proceed by teleconference. Jeremy Friedlander, respondent's counsel, was present and ready to proceed. Due to technical difficulties with the teleconferencing system, this cause was continued, with counsel's agreement, to the pm calendar on Tuesday, August 6, 2002.

The Court adjourned at 1:40 p.m.

Tuesday, July 9, 2002 (continued)

Division Five

**A097083 -- Tangent Computer, Inc. v. Golden & Associates of Madison,  
Inc. et al.**

The order granting respondents' motion to quash is affirmed. Jones, P.J.  
We Concur: Stevens, J., Simons, J. (Not for Publication.)

Wednesday, July 10, 2002

Division One

**A096333 -- The People v. William Alan Ekas.**

The judgment appealed from is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

**A096824 -- The People v. Donald Allen Young.**

There was no error in the proceedings. There are no issues requiring further briefing. The judgment and sentence are affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

**A092371 -- The People v. Mark Ray Gomez.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A094732 -- Richard Stanley v. Providian Bancorp Services.**

The judgment is affirmed without prejudice to Stanley's filing a petition to compel arbitration. Providian is awarded its costs on this appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A096222 -- Elizabeth Swanson v. Liquid Sugars, Inc.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Wednesday, July 10, 2002 (continued)

Division Five

**A098798 -- Farmers Insurance Exchange v. Efren R. Cervantes.**

By the Court: Appellant's request to set aside the dismissal order filed on July 5, 2002, is granted. The dismissal order is vacated and the appeal is returned to an active status. The docketing statement attached to the request is filed with this order. The record on appeal is due thirty (30) days from the date that appellant redeposits the funds necessary for preparation of the record on appeal. Appellant must return the funds previously deposited for the record, to superior court, within fifteen days of this order and provide this court with written proof. Jones, P.J.

**A095987 -- The People v. James Joseph Gonzales.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

**A092880 -- Dadra Mitchell et al. v. American Fair Credit Association, Inc., et al.**

The trial court's order regarding defendants' motion to compel arbitration entered on October 3, 2000, is hereby affirmed. The appeal from the order certifying the class entered on April 12, 1999, and the appeal from the order defining the scope of the class entered on October 3, 2000, are hereby dismissed. Costs on appeal shall be awarded to respondents. Simons, J. We Concur: Jones, P.J., Stevens, J. (Certified for Partial Publication.)

Thursday, July 11, 2002

Division One

**A095858 -- San Francisco Taxi Permitholders and Drivers Association et al. v. City and County of San Francisco et al.**

We reverse the judgment dismissing the complaint on the ground that the trial court erred in sustaining the demurrer to the first, second and fifth causes of action. In all other respects the judgment is affirmed and the matter is remanded for further proceedings consistent with this opinion. Each party shall bear their own costs on appeal. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

**A094080 -- Kevin Cook, et al. v. Peterson Tractor Co., et al.**

By the Court: The petition for rehearing is denied. Kline, P.J.

Division Four

**A095457 -- Gordon Gee et al. v. American Realty & Construction, Inc., et al.**

The Court: Good cause appearing, this court's opinion filed on July 3, 2002, is hereby ordered to be published in the Official Reports. Kay, P.J. (Certified for Publication.)

**A092278 -- Golden Gateway Center v. Jennifer Herman.**

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

**A097041 -- In re the Marriage of Kathryn and John Aaron Zornes.**

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Friday, July 12, 2002

Division One

**A096949 -- In re Kristina G. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Social Service Department v. Rosalie D.**

The finding of adoptability and the order terminating parental rights are affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A095178 -- The People v. Taylor Steven Langendorf.**

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

**A095699 -- Elizabeth Oakley v. Russian River Realty Co.**

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

**A096824 -- The People v. Donald Allen Young.**

By the Court: The court received a supplemental brief from appellant, filed on July 10, 2002, shortly after the opinion in A096824 was filed. Considering the supplemental brief as a petition for rehearing, the court has reviewed the issues raised by appellant. The petition is denied. Marchiano, P.J.

Division Two

**A096961 -- In re Willie D., a Person Coming Under the Juvenile Court Law. The People v. Willie D.**

The order adjudicating appellant a continued ward of the court and placing him in his aunt's home is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)



Friday, July 12, 2002 (continued)

Division Three

**A095600 -- Joel Jacobs v. California Department of Justice, et al.**

By the Court: Since this court's June 17, 2002 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied. Pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Clerk of the Supreme Court the request for publication, the opinion, and a copy of this order. McGuiness, P.J.

Division Five

**A094460 -- Paul A. Dowhal v. Smithkline Beecham Consumer Healthcare, etc., et al.**

The judgment is reversed. Costs to appellant. Jones, P.J. I Concur: Stevens, J. (Certified for Publication.) (Concurring opinion by Simons, J.)

Monday, July 15, 2002

Division Two

**A094937 -- The People v. Norman Leroy Merrill.**

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A093442 -- Kevin Hernandez v. R.W. Thayer Food Products, Inc., et al.**

The order granting a new trial is affirmed. Pollak, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A094921 -- Tim O'Neil v. Levi Strauss & Company.**

By the Court: The petition for rehearing is denied. Corrigan, Acting P.J.

**A090998 -- The People v. Gary James Palmer.**

By the Court: The petition for rehearing is denied. McGuinness, P.J.

**A091124 -- James Patricia Quinn, et al. v. Thomas McCoy, et al.**

By the Court: The petitions for rehearing are denied. McGuinness, P.J.

**A096128 -- The People v. Eric Norman Sparks.**

The enhancement for the use of a deadly weapon (§ 12022, subd. (b)(1)) is stricken. As modified, the judgment is affirmed. Pollak, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A095983 -- The People v. Douglas Trimmer.**

The order permanently revoking appellant's probation and imposing his previously stayed commitment to state prison is affirmed. Pollak, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Monday, July 15, 2002 (continued)

Division Three

**A095434 -- The People v. Peter Richard Zandrino.**

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Certified for Publication.)

Division Four

**A094265 -- The People v. Todd Douglas Kauffman.**

The judgment of conviction is affirmed. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

**A092772 -- Storek & Storek, Inc., et al. v. Citicorp Real Estate, Inc.**

**A093724 -- Storek & Storek, Inc., et al, v, Citicorp Real Estate, Inc.**

The judgment is reversed. Costs on appeal are awarded to Citicorp. Stevens, J. We Concur: Jones, P.J., Simons, J. (Certified for Partial Publication.)

Tuesday, July 16, 2002

Division One

**A094630 -- The People v. Donald L. Birney.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Three

**A094020 -- C.H.E.G., Inc. v. Millennium Bank.**

By the Court: The petition for rehearing is denied. Corrigan, Acting P.J.

Division Four

**A093769, A094088 -- Personal Watercraft Coalition et al. v. Marin County Board of Supervisors; Earth Island Institute.**

The judgment is reversed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Certified for Publication.)

Division Five

**A094840 -- The People v. Jesus Borjon.**

The judgment and sentence are affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A097098 and A097099 -- Communities for a Better Environment, et al. v. Tosco Corporation, et al.**

By the Court:\* Because we conclude that the lower court's ruling is a true discovery order, and it is not a preliminary injunction which is immediately appealable, the purported appeal from this order is dismissed for lack of appellate jurisdiction. Jones, P.J.

\*Jones, P.J., Stevens, J., Simons, J. and Gemello, J. participating

Wednesday, July 17, 2002

Division Two

**A096653 -- The People v. Luis Ayala.**

The appeal is dismissed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

**A094850 -- The People v. Jeffrey Alan Garrett.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

**A091038/A094698/A095963 -- In re Zachary M. et al., Persons Coming Under the Juvenile Court Law. San Francisco Department of Human Services v. Ramona M. et al.**

Appeal Nos. A091038 and A094698 are dismissed without reaching their merits because the issues have been rendered moot. We affirm the orders challenged in Appeal No. A095963. Each party to bear his or her own costs. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A096019 -- The People v. Shawn Dee Ricafrente.**

We affirm. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Wednesday, July 17, 2002

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P. J., Haerle, J. Lambden, J., and S. Graham, Deputy Clerk.

A094113      People  
                  v.  
                  Yvonne Lucille Eldridge  
Cause called and argued by Joyce Blair, Deputy Attorney General, counsel for appellant and Zenia Gilg, counsel for respondent. Cause ordered submitted.

A097495      Thomas Corbett, et al.  
                  v.  
                  Superior Court, Alameda County  
                  Bank of America, et al.  
Cause called and argued by Brad Seligman, counsel for petitioner and Barry Lee and Laura Christa, counsel for real parties in interest. Cause ordered submitted.

Court adjourned.

Wednesday, July 17, 2002

Division Three

**A094384 -- United National Insurance Company et al. v. The Housing Group et al.**

Order Granting Motion For Clarification of Ruling and Modifying Opinion.

By the Court: Respondent's motion for clarification of the ruling is granted. It is ordered that the opinion filed herein on June 19, 2002, be modified in the following particular. (See order.) There is no change in the judgment. McGuiness, P.J. (Not for Publication.)

Division Four

**A092852 -- The People v. Daniel Alas.**

The judgment is reversed; the cause is remanded to the superior court for a new trial. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Certified for Publication.)

**A093803 -- The People v. Ericka Dianne Ryan.**

Order Modifying Opinion. The opinion herein is modified by striking the last sentence from the second paragraph under the heading BACKGROUND: (See order.) This modification does not effect a change in the judgment. Defendant's request for relief from default, to permit her to file a late petition for rehearing, is denied as moot. Kay, P.J.

Thursday, July 18, 2002

Division Three

**A092444 -- Homestead Insurance Company v. Murphy, Pearson, Bradley & Feeney.**

By the Court: Order Modifying Opinion and Denying Rehearing. The opinion herein is modified as follows. (See order.) This modification does not effect a change in the judgment. The petition for rehearing is denied. McGuiness, P.J. (Not for Publication.)

**A095371 -- Waste Management of Alameda County, Inc. v. City of Fremont, et al.**

By the Court: Since this court's June 27, 2002 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied. Pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Clerk of the Supreme Court the request for publication, the opinion, and a copy of this order. McGuiness, P.J.

Division Five

**A095535 -- The People v. Omar Andrade.**

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Certified for Publication.)

**A096640 -- Candida L. Perez v. City and County of San Francisco.**

The orders are affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)



Friday, July 19, 2002

Division One

**A096198 -- Patricia Gray v. Underwriters at Lloyd's, London.**

For all of the foregoing reasons, the judgment is affirmed. Marchiano, P.J.  
We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

**A096372 -- Christopher Fletcher v. The Superior Court of Alameda County; Oakland Police Department, R.P.I.**

Let a peremptory writ of mandate issue commanding respondent superior court to vacate that portion of its order sustaining the OPD's objection to production of portions of the officers' personnel files pertaining to length of employment by OPD and employment by other law enforcement agencies. The cause is remanded to the trial court for further proceedings consistent with this opinion, including any supplements to the motion and opposition that court may deem necessary. Lambden, J. I Concur: Kline, P.J. (Certified for Publication.) (See dissenting opinion by Haerle, J.)

Division Three

**A094855 -- Frederick E. Watson v. Allen Ruby et al.**

By the Court: The petition for rehearing is denied. McGuinness, P.J.

Monday, July 22, 2002

Division One

**A095229 -- Espresso Roma Corporation et al. v. Bank of America, N.A.**

The Court: The written opinion which was filed on June 25, 2002, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Stein, Acting P.J. (Certified for Publication.)

Division Three

**A093957 -- The People v. Bobby Lee Embry.**

On appeal, Embry argues that imposing an additional fine on him under section 1202.45 is an impermissible retroactive application of the statute that was not in effect at the time the underlying crimes were committed. The Attorney General concedes that the imposition of the additional fine was in error. We agree. (*People v. Callejas* (2000) 85 Cal.App.4th 667.) The judgment is modified by striking the parole revocation fine under 1202.45. As so modified, the judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Monday, July 22, 2002

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J. and Sepulveda, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Daniel Mendias, Bailiff.

A092954     In re the Marriage of Lockhart/Ringgold  
              Nina Ringgold

v.

Stephen Lockhart.

Cause called. Appellant Nina Ringgold argued on her own behalf. Carol Amyx argued for respondent. Cause submitted.

A091191     Eddye Melaragno et al.

v.

Elise Balgley et al.

Cause called. Nina Ringgold argued for appellants Melaragno et al. Russell S. Roeca argued for respondents. Cause submitted.

At this point the panel reconstitutes itself to include Reardon, Acting P.J. and Sepulveda, J.

A096634     People

v.

Juan Eduardo Lopez

Cause called. Both sides waived Justice Rivera's presence on the bench.

Michael Sattris argued for appellant Lopez. Deputy Attorney General Catherine A. Rivlin argued for respondent. Cause submitted.

The Court adjourned at 10:12 a.m.

Monday, July 22, 2002 (continued)

Division Five

**A096404 -- Insurance Company of the West v. O'Brien-Kreitzberg, Inc.**

The judgment of dismissal is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Tuesday, July 23, 2002

Division Two

**A097680 -- Jihad Baqleh v. The Superior Court of San Francisco County; The People, R.P.I.**

Let a peremptory writ of mandate issue directing respondent superior court to set aside its order of February 1, 2002, granting the motion to direct petitioner to submit to a mental examination and to entertain a new motion that is in conformance with the views expressed in this opinion. The stay of proceedings previously imposed is lifted. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Certified for Publication.)

**A096461 -- In re Caleb M., a Person Coming Under the Juvenile Court Law. Mendocino County Department of Social Services v. Paul & Patricia C.**

The juvenile court's order is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A095650 -- The People v. Mark Richard Castillo.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A099020 -- Stacy H. v. Superior Court of Contra Costa County; Contra Costa County Department of Children and Family Services, R.P.I.**

The petition for extraordinary relief is denied on the merits. (Cal. Const., art. no. VI § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Because the permanency planning hearing is set for September 5, 2002, our decision is immediately final as to this court. (Rule 24(d).) Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Tuesday, July 23, 2002 (continued)

**A095330 -- Elizabeth Larson v. The City of Belvedere.**

The findings of the City Council were supported by substantial evidence in the administrative record, and were themselves sufficient to support the decision and order upholding the denial of Larson's design review application and application for a demolition permit. The City Council did not abuse its discretion, and the judgment of the trial court denying the petition for writ of administrative mandamus is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A091682 -- John A. Vellequette, et al. v. Town of Woodside.**

The judgment is affirmed. The Town shall recover its costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

**A095335 -- Henry L. Leonardi, as Trustee, etc. v. Louise Mengarelli, et al.**

The judgment of the superior court is affirmed. The parties are to bear their own costs on appeal. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Wednesday, July 24, 2002

Division One

**A095229 -- Espresso Roma Corp., et al. v. Bank of America, N.A.**

By the Court: The written opinion which was filed on 6-25-02, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Stein, Acting P.J.

**A095708 -- Lance L. Ravella v. Osborne/McGraw-Hill Companies, Inc.**

**A095762 -- Lance L. Ravella v. McGraw-Hill Companies, Inc.**

We reverse the summary judgment dismissing the second cause of action of the second amended complaint for breach of an implied contract and the order sustaining the demurrer to the second cause of action of the first amended complaint for intentional infliction of emotional distress. We affirm the summary judgment dismissing the first cause of action of the second amended complaint for defamation, and we affirm the order denying the motion for payment of costs of proof. Costs on appeal are awarded to Ravella. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

Division Two

**A094518 -- Regina L. Rosenthal et al. v. Interstate Assurance Company et al.**

The judgment is reversed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

**A093438; A093990 -- Willie M. Greene v. Dillingham Construction N.A., Inc.**

The order granting Greene's motion for fees in the amount of \$1,095,794.55 is affirmed. The order is reversed insofar as it denies Greene's request for a multiplier and the matter is remanded to the trial court with directions to consider whether to apply a fee enhancement for the contingent risk factor. Greene shall recover his costs, including reasonable attorney fees, on appeal. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Wednesday, July 24, 2002 (continued)

**A094007 -- The People v. Sarah J. Mitchell.**

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J.  
(Not for Publication.)

Division Five

**A096782 -- The People v. Magdaleno Gaitan Pineda.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J.  
(Not for Publication.)

**A097970 -- The People v. Jacqueline Watson.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J.  
(Not for Publication.)



## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Thursday, July 25, 2002

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Swager, J.; N. Millner, Deputy Clerk, and CHP Officer S. Aldridge, Bailiff.

Presiding Justice Marchiano announced that Justice Margulies was not available for oral argument. He informed all present that Justice Margulies was familiar with all the cases, has read all the briefs, and would have audiotapes from oral argument. He asked if all counsel and/or parties in pro per would stipulate to proceeding without Justice Margulies. All so stipulated.

Justice Swager did not participate in argument of the first two cases.

A097312 Charles Z. Chou,  
v.  
Frederic Bishop, et al.  
Cause called and argued by Charles Chou, appellant in pro per, and Michael J. Raifsnider, counsel for respondent. Cause ordered submitted.

A097121 John R. Johnston,  
v.  
Sonoma County Agricultural Preservation and Open Space District;  
City of Santa Rosa, et al.  
Cause called and argued by G. Scott Emblidge, counsel for appellant, Steven Woodside, counsel for respondent, Patrick C. Wilson, counsel for real party in interest City of Santa Rosa, and Keith G. Wagner, counsel for real party in interest National Audubon. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Marchiano left the bench and Acting Presiding Justice Stein presided over the remainder of the session.

A096658      The Governor Gray Davis Committee,  
v.  
American Taxpayers Alliance.  
Cause called and argued by James Bopp, Jr., counsel for appellant, and  
Joseph Remcho, counsel for respondent. Cause ordered submitted.

A097483      Steven Roselaren,  
v.  
City of Berkeley, et al.  
Cause called and argued Steven Roselaren, appellant in pro per, and Laura  
McKinney, counsel for respondents. Cause ordered submitted.

A092876      Richard Donaldson,  
A093705      v.  
National Marine, Inc.

In re the Estate of Albert J. Pavolini, Deceased.

Richard Donaldson,

v.

National Marine, Inc.

Cause called and argued by Phillip R. Bonotto, counsel for appellant, and  
Harry F. Wartnick, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Thursday, July 25, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Swager, J.; and N. Millner, Deputy Clerk.

- A098632     Ashley G.,  
                 v.  
                 The Superior Court;  
                 Social Services Agency, et al.  
                 Cause called and argued by Cecily M. Gray, counsel for petitioner, and  
                 Noel Plummer, counsel for respondent. Cause ordered submitted.
- A095777     In re Kelly B.  
                 The People,  
                 v.  
                 Kelly B.  
                 Cause called and argued by A. Charles Dell'Ario, counsel for appellant,  
                 and Young Yun (certified law student), counsel for respondent. Cause  
                 ordered submitted.
- A095460     William Parker,  
                 v.  
                 Terri Parker.  
                 Cause called and argued by David R. Olick, counsel for appellant, and  
                 Thomas Wolfrum, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench. Presiding Justice Marchiano announced that Justice Margulies was not available for oral argument for the next case. He informed all present that Justice Margulies was familiar with the case, has read all the briefs, and would have an audiotape from oral argument. He asked if all counsel would stipulate to proceeding without Justice Margulies. All so stipulated.

A097306

Susan Walsh,

v.

Aaron Peskin, et al.

Cause called and argued by Jon B. Eisenberg, counsel for appellants, and Stephen S. Sayad, counsel for respondent. Cause ordered submitted.

Court adjourned.

No cases were heard on Friday, July 26, 2002.

Thursday, July 25, 2002 (continued)

Division Three

**A095415 -- In re Franklin C., a Person Coming Under the Juvenile Court Law. The People v. Franklin C.**

In light of this record, and respondent's concessions that eight of the nine counts sustained against appellant must be reversed, we remand the matter to the juvenile court for a new dispositional hearing. It is unnecessary for us to reach the remaining issues raised by appellant, which concern the propriety of the order committing him to the CYA and other issues of sentencing. All of these issues may and should be addressed to the juvenile court on remand. Because appellant does not contest the true finding on the allegation of felony false imprisonment in count two, it stands affirmed. The juvenile court judgment and order finding true the allegation of felony false imprisonment in count two of the petition is affirmed. The judgment and order of the juvenile court finding true the allegations in count one and counts three through nine of the petition is reversed and remanded for a new dispositional hearing. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

**A093469 -- The People v. William Henry Strong.**

The orders revoking probation and sentencing defendant to state prison are reversed. The trial court shall issue an order within two days of the filing of this opinion directing defendant's return from the Department of Corrections. Upon defendant's return to court, the court is directed to set aside its finding that he violated probation, to reinstate him on probation and furnish him with the documents mandated under section 1203.12. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A096994 -- In re D.W., a Person Coming Under the Juvenile Court Law. The People v. D.W.**

The order adjudicating appellant a ward of the court and placing him on probation in his mother's home is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Thursday, July 25, 2002 (continued)

**A095717 -- The People v. Jeffrey Paul Carmack.**

By the Court: The petition for rehearing is denied. (Reardon, Acting P.J., Sepulveda, J. and Rivera, J. joined in the decision.) Kay, P.J.

Division Four

**A092777 -- Town of Corte Madera v. Naila Yasin et al.**

The judgment is affirmed. Sepulveda, J. I concur: Rivera, J. I concur in the judgment: Reardon, Acting P.J. (Not for Publication.)

**A095323 -- David Olick v. Georgia Mitchell et al.**

By the Court: The petition for rehearing is denied. (Kay, P.J., Sepulveda, J. and Rivera, J. joined in the decision.) Kay, P.J.

**A096468 -- In re Javier R., a Person Coming Under the Juvenile Court Law. The People v. Javier R.**

Judgment Affirmed. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Friday, July 26, 2002

Division Three

**A097218 -- The People v. Gary Howard Millsaps.**

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

**A098175 -- The People v. Karl George Rutt.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A090211 -- Marilyn V. v. Oakland Unified School District.**

By the Court: The petition for rehearing is granted. The court having granted the petition for rehearing, the request for publication is hereby denied as moot. McGuiness, P.J.

Division Four

**A096634 -- The People v. Juan Eduardo Rosas Lopez.**

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

**A096484 -- In re Anthony M., et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Employment and Human Services Department v. Lisa P., et al.**

The termination orders are affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

**A095476 -- Thelma Walker v. San Francisco Housing Authority.**

The default judgment and the order denying SFHA's motion to set aside the default judgment are affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Certified for Partial Publication.)

Friday, July 26, 2002 (continued)

Division Five

**A097367 -- In re Jon G., a Person Coming Under the Juvenile Court Law. San Mateo County Human Services Agency v. Shirley D.**

The order dismissing the dependency petition is affirmed. Simons, J. We  
Concur: Jones, P.J., Gemello, J. (Not for Publication.)



Monday, July 29, 2002

Division One

**A094720 -- Janet Glubetich v. Wilshire Financial Services.**

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

**A093647 -- Henry Grausz et al. v. Gene Farber; H. Lee Evans.**

**A094737 -- Henry Grausz et al. v. H. Lee Evans.**

Order Modifying Opinion and Denying Rehearing. The Court: It is ordered that the opinion filed herein on June 28, 2002, be modified in the following particulars: (See order.) The modification changes the judgment. The petition for rehearing is denied. Marchiano, P.J. (Not for Publication.)

**A096471 -- In re Brant O., a Person Coming Under the Juvenile Court Law. The People v. Brant O.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Three

**A097022 -- County of Alameda v. Ace Recovery Services, Inc., et al.**

The appeal is dismissed. The County is entitled to its costs on appeal. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

**A090810, A093582 -- Brenda M. Bebensee-Wong v. Accubanc Mortgage Corporation.**

The judgment against AccuBanc in No. A090810 is reversed, and the matter is remanded to the trial court for further proceedings limited to Bebensee's right to recover for claims against AccuBanc arising within one year prior to the initiation of her Department of Fair Employment and Housing complaint. The order awarding attorney fees to AccuBanc for the defense of Eubanks and Huber in No. A093582 is affirmed. Each party shall bear its own costs on appeal. McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Monday, July 29, 2002 (continued)

**A095715 -- The People v. Regino Quintero Gonzalez.**

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A094361 -- The People v. Mika Lee Meyers.**

In sum, the trial court properly denied appellant's motion to suppress, and Steinberg did not provide ineffective assistance of counsel in connection with the suppression hearing. The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

**A096995 -- In re Thomas D., a Person Coming Under the Juvenile Court Law. Contra Costa County Department of Children and Family Services v. Mesha H.**

No error appears. The order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

**A094087/A094867 -- In re the Marriage of Geoffrey Phillips and Kimberly Phillips.**

The language in the court's March 1, 2001, order purporting to transfer the action to New York is stricken. In all other respects, the orders are affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

**A095878 -- In re Eldridge T., a Person Coming Under the Juvenile Court Law. The People v. Eldridge T.**

The order of commitment is reversed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Certified for Publication.)

Monday, July 29, 2002 (continued)

Division Five

**A096442 -- Shannon Guillory v. The Superior Court of Contra Costa County; The People, R.P.I.**

The petition is denied. Stevens, J. We Concur: Jones, P.J., Simons, J. (Certified for Publication.)

**A095949 -- Daniel C. Ross v. Creel Printing & Publishing Company, Inc., a Nevada Corporation, Gary R. Kasufkin, an individual, and Does 1 Through 10, inclusive.**

The judgment of dismissal is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Certified for Publication.)

Tuesday, July 30, 2002

Division One

**A095726 -- In re Casidie C., a Person Coming Under the Juvenile Court Law. Lake County Department of Social Services v. Jonathon C.**

The orders under section 366.26 entered on July 16, 2001, are affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

**A097312 -- Charles Z. Chou v. Frederic Bishop.**

The judgment and order appealed from are affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

**A095460 -- In re the Marriage of Terri Parker and William Parker.**

The trial court's decision was supported by the evidence and was not an abuse of discretion. The order vacating the judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A096532 -- The People v. Christopher Adam Vestnys.**

Judgment in both cases is reversed and remanded for resentencing under the provisions of the Substance Abuse and Crime Prevention Act of 2000. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

**A094135 -- LaJoyce L. Porter v. Michael S. Lawson.**

The trial court's order is affirmed in part and reversed in part. The matter is remanded to the trial court for a recalculation of LaJoyce's income, taking into account the views expressed herein regarding the amount of LaJoyce's worker's compensation settlement. The trial court may also exercise its discretion to reapportion the costs of travel and child-care in light of any downward adjustment in LaJoyce's income. On remand, the trial court shall also recalculate the appropriate amount of child care reimbursement. Each party shall bear their own costs of appeal. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Tuesday, July 30, 2002 (continued)

Division Three

**A096096 -- In re Corey P., a Person Coming Under the Juvenile Court Law. The People v. Corey P.**

The dispositional order is affirmed. Parrilli, J. We Concur: McGuiness, P.J. Pollak, J. (Not for Publication.)

Division Four

**A092954 -- In re the Marriage of Stephen Lockhart and Nina Ringgold.**

The appeal from the June 26, 2000 order is dismissed as moot. The June 27, 2000 order is affirmed. Lockhart shall recover his costs on appeal. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A091191 -- Eddye Melaragno et al. v. Elise Balgley et al.**

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A095387 -- The People v. Dell Galen Nurse.**

The judgment of the trial court is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

**A095838 -- The People v. Rudolph Van Dykes, Jr.**

**A096113 -- The People v. Christopher Sean James.**

As to James, the judgment is affirmed. As to Dykes, the trial court is directed to prepare a corrected abstract of judgment to show that Dykes was convicted on count II of simple assault (§ 240), and to forward the corrected abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Tuesday, July 30, 2002 (continued)

Division Five

**A096578 -- City of Benicia v. Michael Helge Remy et al.**

The order denying defendants' special motion to strike is reversed. On remand, the trial court is directed to enter a new and different order granting the motion, and to award defendants their attorney fees and costs incurred in the trial court and for this appeal in amounts to be determined by the trial court on appropriate application by defendants. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

**A092611 -- Naheed Kamal et al. v. Saleem Mohammed Salimi, individually and as Trustee, etc.**

The judgment is affirmed. Costs on appeal are awarded to plaintiffs. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

**A095874 -- The People v. Wendy Michelle Kirkpatrick.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A094510 -- The People v. Melvin Parham.**

The judgment is reversed as to the convictions returned on counts one and two, together with the findings of great bodily injury. The judgment and verdict as to count three is affirmed. The matter is remanded to the trial court with instructions to prepare a modified abstract of judgment in accordance with this opinion, and to forward a copy of the modified abstract of judgment to the Department of Corrections. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A097558 -- The People v. Jerry Roberts**

The order permanently revoking appellant's probation and reinstating his previously stayed commitment to state prison is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

Wednesday, July 31, 2002

Division One

**A098632 -- Ashley G. v. The Superior Court of Contra Costa County; Contra Costa County Department of Children and Family Services et al., R.P.I.**

Let a peremptory writ of mandate issue commanding the Contra Costa Superior Court to do the following: (1) vacate its order of March 5, 2002, in *In re Josiah G.* (J01-02268), finding that providing reunification services to the mother would be detrimental to the child and setting a hearing to select and implement a permanent plan for the child under Welfare and Institutions Code section 366.26, and (2) hold a new disposition hearing in accordance with the views expressed in this opinion. Our decision is final in this court immediately. (Cal. Rules of Court, rule 24(d).) The stay of the section 366.26 hearing which was previously set for July 30, 2002, shall remain in effect until the remittitur issues. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

**A097121 -- John R. Johnston v. Sonoma County Agricultural Preservation and Open Space District et al.; City of Santa Rosa et al., R.P.I.**

The order denying the petition for writ of mandate is affirmed. The parties shall bear their own costs on appeal. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Certified for Publication.)

**A097483 -- Steven Roselaren v. City of Berkeley et al.**

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

**A096997 -- In re Joshua H., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Kimberly H.**

The November 2, 2001, order is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Wednesday, July 31, 2002 (continued)

Division Three

**A099335 -- Alameda-Contra Costa Transit District v. The Superior Court of Alameda County; Dejon Disburke, R.P.I.**

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order granting the petition for relief from the claim-presentation requirement of the Government Tort Claims Act and to enter a new and different order denying the petition for relief. Each party shall bear its own costs herein. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

**A096718 -- Carlos Q. Leal. v. Steven Gourley, as Director of The Department of Motor Vehicles.**

The judgment is affirmed. Leal to bear costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Certified for Publication.)

**A094997 -- Rosalie Nuanes v. Insignia Financial Group, Inc.; Robert A. Stanger & Co., Inc.**

The appeal is dismissed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A095785 -- In re Martin P., a Person Coming Under the Juvenile Court Law. The People v. Martin P.**

The rulings of the juvenile court are affirmed. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

**A096513 -- Roxane Rodrigo v. Koryo Martial Arts.**

The judgment is affirmed. Appellant to bear costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Certified for Publication.)

**A096367 -- The People v. Richard Duane Root.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)



Wednesday, July 31, 2002 (continued)

Division Four

**A093827 -- The People v. William Charles Lamlin.**

The judgment of conviction is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A097478 -- Rozina Ramirez et al. v. Mission Peak Development Company et al.**

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A096615 -- Cheng Cheng Su v. Eduardo M. Xavier.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

**A096616 -- Cheng Cheng Su v. Carol Hanson.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

**A097545 -- Cheng Cheng Su v. Dennis Janson.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)